

## 1 HOUSE BILL NO. 625

2 INTRODUCED BY J. WELLS

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4 A BILL FOR AN ACT ENTITLED: "AN ACT MAKING IT A MISDEMEANOR FOR CERTAIN SEXUAL  
5 OFFENDERS TO POSSESS, OR ENTER A PLACE OF BUSINESS OR A LIBRARY TO VIEW, OBSCENE  
6 MATERIAL."

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8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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10 NEW SECTION. **Section 1. Legislative finding -- definitions.** (1) The legislature is concerned that  
11 the amount of obscene material available in modern culture to convicted sexual offenders, including obscene  
12 material viewed in libraries over the internet, has caused incidents in the past that indicate a danger to women  
13 and children using those libraries. The legislature finds that persons who have committed a sexual offense and  
14 who view obscene material pose a higher risk of reoffending after they have been released from custody than  
15 those sexual offenders who do not view obscene material. The legislature further finds that the privacy interests  
16 of those sexual offenders who are registered in a Montana sexual and violent offender registry are diminished,  
17 compared to persons who have not committed sexual offenses or who are not registered. The legislature  
18 therefore finds that preventing registered sexual offenders from viewing obscene material will assist in preventing  
19 registered sexual offenders from reoffending and that this prohibition does not violate the constitutional right of  
20 privacy or any other right of a convicted and registered sexual offender.

21 (2) As used in [section 2] and this section, the following definitions apply:

22 (a) "Material" has the meaning provided in 45-8-205 and includes visual images accessed through the  
23 internet.

24 (b) "Obscene" has the meaning provided in 45-8-201(2).

25 (c) "Place of business" means a store, shop, parlor, house, or other location operated for commercial  
26 purposes.

27 (d) "Sexual offense" has the meaning provided in 46-23-502.

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29 NEW SECTION. **Section 2. Illegal for sexual offender to possess or enter business or library to**  
30 **view obscene material.** A person who has been found guilty of a sexual offense and is registered pursuant to

1 46-23-504 who possesses, or enters a place of business or a library to view, obscene material is guilty of a  
2 misdemeanor and upon conviction shall be punished as provided by law.

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4 NEW SECTION. Section 3. Codification instruction. [Sections 1 and 2] is intended to be codified as  
5 an integral part of Title 45, chapter 5, part 5, and the provisions of Title 45, chapter 5, part 5, apply to [sections  
6 1 and 2].

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